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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL P. TIERNEY, : 07 Civ. 4090 (BSJ)  
: Plaintiff,  
: -against-  
: GERARD A. NEUMANN,  
: Defendant.  
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**PLAINTIFF'S NOTICE OF MOTION TO AMEND ITS COMPLAINT**

**PLEASE TAKE NOTICE THAT**, upon the accompanying Memorandum of Law in Support of Plaintiff's Motion to Amend Its Complaint and the Declaration of William C. Rand, including the proposed Amended Complaint, Plaintiff Michael P. Tierney will move this Court, before the Honorable Judge Barbara S. Jones United States District Judge at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, on a date and time to be determined by this Court for an Order granting Plaintiff leave to amend its complaint in this action pursuant to Federal Rule of Civil Procedure 15, and for such other relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE THAT** pursuant to Rule 6.1(b) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, answering papers, if any, shall be served within ten business days after

service of the papers herein.

**PLEASE TAKE FURTHER NOTICE THAT** the Plaintiff respectfully requests oral argument on this motion, as indicated on the cover page of the accompanying Memorandum of Law..

Dated: September 4, 2008  
New York, New York

Respectfully Submitted,

LAW OFFICE OF WILLIAM COUDERT RAND

s/ William C. Rand

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